

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

IN THE INTEREST OF R.H., PLAINTIFF, JUVENILE OFFICE,

Respondent

v.

L.J.A. (MOTHER), APPELLANT; A.H. (FATHER).

Defendant

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DOCKET NUMBER WD79098

DATE: MAY 10, 2016

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Appeal From:

Circuit Court of Clay County, MO  
The Honorable Kathryn Elizabeth Davis, Judge

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Appellate Judges:

Division Three  
Gary D. Witt, P.J., James E. Welsh, Anthony Rex Gabbert, JJ.

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Attorneys:

Jullian Williams, Overland Park, KS, John Richard Shank, Kansas City, Counsel for Respondent

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Attorneys:

Peter Schloss, Liberty, MO, Paemon Honest, Liberty, MO

Counsel for Defendant

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**IN THE INTEREST OF R.H.,  
JUVENILE OFFICE,  
Respondent,**

**v.**

**L.J.A. (MOTHER),  
Appellant;**

**A.H. (FATHER),  
Defendant.**

**WD79098**

**Clay County**

Before Division Three Judges: Gary D. Witt, P.J., James E. Welsh, Anthony Rex Gabbert, JJ.

**In the Interest of SFMD Summary**

L.J.A. (Mother) appeals the circuit court's judgment assuming jurisdiction over her child, R.H., and placing the child in the care and custody of the Department of Social Services, Children's Division (Children's Division). Mother contends that: (1) the court's judgment was not supported by substantial evidence because the court received no evidence that the child was presently in need of any care or support that was not being provided to her, and (2) the court's judgment misapplied the law because the court relied on a presumption that the use of drugs by a parent creates a condition leaving the child in need of care under the statute with no evidence of lack of parental care or support for the child.

**AFFIRMED**

**Division Three holds:**

1. Substantial evidence in the record supported the court's judgment that R.H. was in need of care and support due to Mother's admitted drug use, Mother's admitted need for treatment during such time as Mother was the primary caregiver of three-year-old R.H., and Mother's failure to follow through with treatment.

2. The circuit court did not misapply the law in assuming jurisdiction of R.H. pursuant to 211.031.1 as the court's judgment was not based on a general presumption that the use of drugs by a parent creates a condition leaving the child in need of care under the statute but, rather, was based on Mother's admitted drug use, admitted need for treatment during such time as Mother was the primary caregiver to R.H., and Mother's failure to follow through with that treatment.

Opinion by Anthony Rex Gabbert, Judge

Date: 5/10/16

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**THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.**